

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

TAVIUS L. SMITH

Plaintiff

v.

Civil Action No: 1:14-00525

HSBC YAMAHA MUSIC, et al.,

Defendants

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation ("PF&R") to the court on June 3, 2014, in which he recommended that the district court deny plaintiff's motion for entry of default judgment against defendants HSBC Yamaha Music and Cach, LLC (Doc. No. 6), dismiss plaintiff's complaint as to defendant Cach, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's PF&R. The failure of any party to file such objections constitutes a waiver of such party's right to a de

novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's PF&R within the seventeen-day period. Having reviewed the PF&R filed by Magistrate Judge VanDervort, the court adopts the findings and recommendation contained therein.

Accordingly, the court adopts the factual and legal analysis contained within the PF&R, DENIES plaintiff's motion for entry of default judgment against defendants HSBC Yamaha Music and Cach, LLC (Doc. No. 6), DISMISSES plaintiff's complaint as to defendant Cach, LLC, and DIRECTS the Clerk to remove this matter from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and all counsel of record.

It is SO ORDERED this 2nd day of July, 2014.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge